



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

Don

HD:hd
Docket No: 05575-02
8 September 2003

CWO2 [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

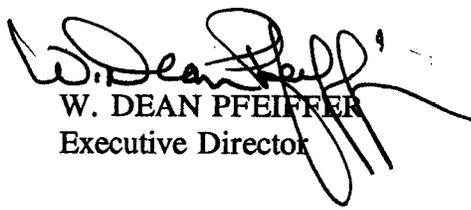
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 September 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 4 February and 11 March 2003, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 4 February 2003. The Board was unable to find inconsistency between the marks and comments of the contested original fitness report. The Board found that the ending date of this report was properly corrected by means of a fitness report extension, which is on file in your record with the report. Since the Board found no defect in your performance record as it appeared before the Fiscal Year 01 and 02 Naval Reserve Chief Warrant Officer 3 Selection Boards, it had no grounds to grant you a special selection board, remove either of your failures of selection, or restore you to active status in order to have another consideration for promotion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
4 February 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: C [REDACTED] USNR [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 1 March 1998 to 30 September 1998 and replace it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement. PERS3-11 has not received the supplemental report; however, the member provided a copy with his petition.

b. The report in question is a Periodic/Regular report.

c. We cannot administratively remove the fitness report in question and replace it with the report provided with the member's petition. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them.

d. The supplemental report provided with the member's petition is not suitable for filing. Per reference (a), Annex P, supplementary material must be submitted within two years of the ending date of the report and be accompanied by a cover letter stating the changes and reason for the supplemental report. Because the supplement report was not submitted per reference (a), it is unacceptable for filing.

e. The fitness report has been in CWG [REDACTED] record for over three years. If he believed it was in error he could have submitted a statement for inclusion in his record.

f. Failure of selection or enhancement of chances for promotion is not sufficient reason to remove or replace a fitness report.

- g. The member does not prove the report to be unjust or in error.
3. We recommend the member's record remain unchanged. When the fitness report is corrected and submitted per reference (a), we will file it in his digitized record.



Performance
Evaluation Branch



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-80
11 MAR 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
CWO2 [REDACTED] USNR, [REDACTED]

Ref: (a) SECNAVINST 1401.1B

Encl: (1) BCNR File 05575-02

1. Forwarded, recommending disapproval.
2. [REDACTED] asserts that his record as it appeared before the FY-01 and FY-02 Reserve Chief Warrant Officer 3/4 Promotion Selection Boards did not represent a fair and accurate portrayal of his performance. He feels the report in question resulted in his failures to select for promotion to CWO3. As the report was valid and he failed to initiate this removal or change process with PERS-311 prior to both selection boards being convened, he is not warranted the relief he seeks via a special selection board.
3. In summary, [REDACTED] as failed to provide data that supports his petition. Therefore, his request should be denied.

[REDACTED]

Director Active and Reserve
Officer Career Progression
Division